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Letter dated 29 July 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Serbia to the United Nations addressed to the Secretary-General

I have the honour to forward the letter of the Minister for Foreign Affairs of the Republic of Serbia, Vuk Jeremić, addressed to you (see annex).

I should be grateful if you would bring this letter and its annex to the attention of the members of the Security Council and have it circulated as a document of the Council.

(*Signed*) Milan **Milanović**
Ambassador
Chargé d'affaires a.i.

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Annex to the letter dated 29 July 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Serbia to the United Nations addressed to the Secretary-General

29 July 2011

Thank you for having met with me yesterday in New York. As I was not allowed to address the Security Council on the pressing issue that was the subject of our exchange of views, I would request that you circulate this letter as a document of the Security Council.

Over the past four days, the situation in the Western Balkans has suddenly become less secure, less stable and less predictable. This is a direct consequence of the calculated decision by the ethnic-Albanian secessionist leadership to order an unprovoked armed incursion into North Kosovo. Their flagrant unilateralism must be clearly condemned.

On Monday night, 25 July 2011, Pristina's special operations militia, the so-called ROSU, was mobilized and equipped in full riot gear. Dozens of armoured personnel carriers transported hundreds of heavily armed men across the River Ibar. This blatantly violated the long-standing agreement between Pristina and the European Union Rule of Law Mission in Kosovo (EULEX) that ROSU is not to be deployed in the North without the approval of EULEX, which operates in the territory under the overall authority and within the status-neutral framework of the United Nations, in accordance with Security Council resolution 1244 (1999).

The most immediate aim of the operation was seizing the two checkpoints between North Kosovo and the rest of Serbia: Jarinje or Gate 1, and Brnjak or Gate 31.

The unsanctioned act of sending ethnic-Albanian paramilitaries from South Kosovo was perceived by the majority population of North Kosovo as an attempt to occupy the territory.

As ROSU crossed the River Ibar, its militiamen began to summarily arrest and beat a number of local Serb civilians. At Gate 31, they forcibly relieved the regular police unit composed mainly of Kosovo Serbs, detaining and disarming them. In response, locals put up roadblocks, as a way to defend themselves against the incursion. They did the same near Gate 1, which stopped ROSU from getting to that checkpoint.

The Government of the Republic of Serbia swiftly sent an official delegation to North Kosovo to help bring down the tensions. They began negotiations with the International Security Force in Kosovo (KFOR) about restoring law and order in the province. By Tuesday morning, 26 July, the KFOR Commander, Major General Erhard Buhler of the German Army, had secured what we believed was an agreement with Pristina for ROSU to withdraw from North Kosovo.

After an initial pullback, however, the paramilitaries that had briefly occupied Gate 31 turned around, and started heading back to the checkpoint. Before they could reach their goal, they were met by practically the entire ethnic-Serb population of the town of Zubin Potok.

Regrettably, the resulting skirmishes led to a number of casualties, and at least one fatality.

Only after additional discussions between KFOR and the ethnic-Albanian authorities later in the same day did the ROSU militants begin to vacate the area. At the time, it appeared that calm and the status quo ante would be restored without further incident.

On Wednesday morning, 27 July, however, a number of so-called "Kosovo Customs" agents were transported by helicopter to Gates 1 and 31, apparently by KFOR. This inevitably raised tensions further.

Soon thereafter, everyone's attention was drawn to a highly regrettable incident at Gate 1, where masked individuals set fire to the checkpoint buildings.

The Serbian Government strongly condemns this act of extremism. We have already indicated our readiness to work with relevant stakeholders to uncover the perpetrators' identities and motives, as well as to determine whose instructions they were following.

Early Thursday morning, on 28 July, we had understood that provisional agreements had been struck between Belgrade and KFOR to keep ROSU and the so-called "Kosovo Customs" away from Gates 1 and 31.

Later that day, however, KFOR announced that it would implement the laws and decisions of the secessionist authorities in Pristina. This would place KFOR outside the status-neutral framework of the United Nations. Another worrisome development was that on the same day, KFOR declared Gates 1 and 31 restricted military areas, with rules of engagement that include the use of lethal force.

The negotiations with KFOR continued today, 29 July, and might continue into the weekend and beyond. We continue to believe that if they are conducted in good faith by all participants, the outcome will produce a return to the status quo ante.

Peace and security in our province of Kosovo is the responsibility of the Security Council. To understand what happened, and to determine who is responsible for the dramatic drop in stability throughout the territory that remains under the interim administration of the United Nations in accordance with resolution 1244 (1999), we had felt it essential to address the Council.

Had we not been prevented from doing so, the Republic of Serbia would have emphasized our firm belief that the status quo ante must be reinstated.

We would also have underscored that those who keep actively encouraging Pristina's unilateralism will have to share with them the responsibility for the violence and fatalities that may take place in the province.

Moreover, we would have steadfastly maintained the view that those who destabilized North Kosovo through the actions of ROSU must be brought to account. Whoever gave the order to cross the River Ibar violated an agreement with EULEX — and must suffer the consequences.

The responsible stakeholders have to do whatever is necessary to ensure that no similar unilateral acts happen again.

We expect the Secretariat to chronicle extensively all aspects of the ROSU incursion in your next regular report to the Security Council, including the roles played by KFOR and EULEX.

The United Nations will also have to work more closely with KFOR to make sure that it operates fully within the status-neutral framework of Security Council resolution 1244 (1999). Logistical assistance to the ethnic-Albanian separatists in North Kosovo must cease immediately.

In addition, KFOR and EULEX will have to closely monitor the situation in North Kosovo and be ready to respond forcefully to any further unilateralism by the authorities in Pristina. For this and a number of other reasons, KFOR must maintain its present troop levels, together with its exclusive static presence at all the Serbian holy sites they currently protect.

Lastly, the European Union will have to make it very clear to Pristina that disagreements at the negotiating table in Brussels cannot be resolved using physical means on the ground.

Several dangerous misconceptions have appeared in certain media over the past few days.

One centres on confusing cause with effect. The ROSU incursion is the cause. Whatever else happened on the ground in its wake is the effect.

It would also be a fallacy to equate the ROSU incursion with the unacceptable extremism of masked looters at Gate 1, whose actions were neither planned nor sanctioned by Serbia. In contrast, the ROSU incursion was an integral part of a strategy engineered at the most senior level in Pristina to forcibly impose an illegitimate and decisively unwanted regime upon the residents of North Kosovo.

A final erroneous belief is that the last round of talks between Belgrade and Pristina were postponed by Serbia. This is simply incorrect. We can bear no responsibility for the decision made by the European Union facilitator to impose a hiatus on the dialogue process.

On behalf of the Republic of Serbia, I respectfully ask you to do all that is in your power to make sure Pristina is not rewarded for unilateral and bellicose behaviour. To be able to move forward, the status quo ante must be restored, so that the dialogue can recommence and once more become the sole acceptable forum for overcoming disagreements.

As this letter makes clear, ample reasons had existed for a Security Council emergency meeting to have taken place. Regretfully, a choice was made by some of its members not to allow the voice of Serbia to be heard. Although you circulating this letter to the Council is no substitute, I nevertheless hope that this will, in a small way, contribute to overcoming this unhelpful impediment to our shared goal of reducing tensions in North Kosovo and contribute to improving stability throughout the Western Balkans.

(*Signed*) Vuk **Jeremić**